IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.170 OF 1995.

The State of Maharashtra : Appellant

versus

Shri Vijay Pandurang Madhavi

& ors. : Respondents.

WITH

FIRST APPEAL NO.171 OF 1995

The State of Maharashtra : Appellant

versus

Smt.Thakibai Balya Madhavi : Respondent.

WITH

FIRST APPEAL NO.172 OF 1995

The State of Maharashtra : Appellant.

versus

Shri Ramkrishna Ganpat Patil : Respondent.

Mr.B.R.Patil, Acting Government Pleader, for the State.

Mr.K.N.Kore for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 3rd May 2005.

COMMON ORAL ORDER

1. Heard Mr.Patil, the learned AGP, for the State and Mr.Kore for the respondents. All these appeals arise out of a common order in four references, but only three appeals are filed. The lands acquired are situated at village Sanpada. They were acquired by notification under Section 4 dated 10-10-1968 for New Bombay Project. The reference Court awarded Rs.15/- per sq.mtr. as compensation for the acquired lands and this was done by the Reference Court on the basis of earlier judgment at Exhibit 12/1 in L.A.R. 38/85. In that LAR 38/85 the notification under section 4 was of the same date i.e. 10-10-1968 and 4-2-1970. The Court has taken into consideration that village Sanpada is

at the junction of Sion Panvel highway and Thane Belapur road and, it is vast industrially developed area and, since the land in the earlier reference i.e. LAR 38/85 and land acquired in the present reference was having identical characteristics, the Court, following the judgment in the earlier reference, awarded Rs.15/- per sq.mt.

2. Objection was raised before the Reference Court about value of the judgment in the earlier reference. But that objection has turned down. Therefore, looking to the aforesaid facts and also the fact that Vashi Bridge is only 1 km. away from the acquired land, the compensation awarded by the reference Court is proper. Hence no interference is called for. The appeals are dismissed. No order as to costs.

[D.G.DESHPANDE]

03/05/2005 JUDGE.